



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

MEMO ENDORSED

May 12, 2020

BY ECF & ELECTRONIC MAIL

The Honorable Edgardo Ramos
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007
ChambersNYSDRamos@nysd.uscourts.gov

Re: *Fernandez-Rodriguez et al. v. Licon-Vitale*, No. 20 Civ. 3315 (ER)

Dear Judge Ramos:

This Office represents respondent Marti Licon-Vitale, in her official capacity as Warden of the Metropolitan Correctional Center (“MCC”), with respect to the above-referenced petition for habeas corpus brought under 28 U.S.C. § 2241. We write respectfully, on behalf of both parties, to submit this joint letter regarding the provision of testimony to the Court from MCC inmates, including those who are not named petitioners in this action.

As a preliminary matter, because the Federal Rules of Civil Procedure require court permission to depose any inmates, we respectfully request that the Court permit the depositions of inmates in this matter pursuant to Federal Rule of Civil Procedure 30(a)(2)(B). Pursuant to Federal Rule of Civil Procedure 30(b)(4), the parties agree that these depositions will be conducted by videoconference or phone.

Furthermore, because the inmates at issue will be providing information about their medical care, the parties hereby jointly request a court order, pursuant to 45 C.F.R. § 164.512(e)(1)(i), authorizing MCC to produce to counsel unredacted medical and related records (subject to the protective order entered by the Court) for any inmates identified by petitioners’ counsel who will provide written, deposition, or other testimony as to their medical condition or medical care in connection with the preliminary injunction motion. The parties agree that petitioners will be deposed and are discussing other potential inmate depositions.

We thank the Court for its consideration of this letter.

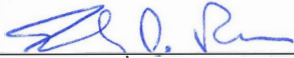
Respectfully,

GEOFFREY S. BERMAN
United States Attorney

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cc: Counsel for Petitioners (By ECF & electronic mail)

The application is ☒ granted
_____ denied



Edgardo Ramos, U.S.D.J

Dated: May. 13, 2020

New York, New York